

4.14 ENVIRONMENTAL JUSTICE

4.14.1 Background

On February 11, 1994, President Clinton issued an "Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (White House 1994). The order requires the U.S. Environmental Protection Agency (EPA) and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the EPA's Office of Environmental Justice released the Environmental Justice Implementation Plan, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA's Guidance for Incorporating Environmental Justice Concerns in EPA's National Environmental Policy Act (NEPA) Compliance Analysis in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

While many state agencies have utilized the EPA's Environmental Justice Implementation Plan as a basis for the development of their own environmental justice strategies and policies, the majority of California State agencies do not yet have guidance for incorporation of environmental justice impact assessment into the California Environmental Quality Act (CEQA) analysis. The State Air Resources Board has, for example, examined this issue and has received advice from legal counsel, by a memorandum entitled "*CEQA And Environmental Justice*." This memorandum states, in part, "For the reasons set forth below, we will conclude that CEQA can readily be adapted to the task of analyzing cumulative impacts/environmental justice whenever a public agency (including the Air Resources Board (ARB), the air pollution control districts, and general purpose land use agencies) undertakes or permits a project or activity that may have a significant adverse impact on the physical environment. All public agencies in California are currently obliged to comply with the CEQA, and no

1 further legislation would be needed to include an environmental justice analysis in the
2 CEQA documents prepared for the discretionary actions public agencies undertake."

3 Under Assembly Bill (AB) 1553, signed into law in October 2001, the Governor's Office
4 of Planning and Research (OPR) is required to adopt guidelines for addressing environ-
5 mental justice issues in local agencies' general plans. Currently, the OPR is in the
6 process of updating the General Plan Guidelines to incorporate the requirements of AB
7 1553.

8 **4.14.2 California State Lands Commission Policy**

9 The California State Lands Commission (CSLC) has developed and adopted an
10 Environmental Justice Policy to ensure equity and fairness in its own processes and
11 procedures. The CSLC adopted an amended Environmental Justice Policy on October
12 1, 2002, to ensure that "Environmental Justice is an essential consideration in the
13 Commission's processes, decisions and programs and that all people who live in
14 California have a meaningful way to participate in these activities." The policy stresses
15 equitable treatment of all members of the public and commits to consider environmental
16 justice in its processes, decision making, and regulatory affairs, and the policy is
17 implemented, in part, through identification of, and communication with, relevant
18 populations that could be adversely and disproportionately impacted by CSLC projects
19 or programs, and by ensuring that a range of reasonable alternatives is identified that
20 would minimize or eliminate environmental impacts affecting such populations. This
21 discussion is provided in this document consistent with and in furtherance of the
22 Commission's Environmental Justice Policy. The staff of the CSLC is required to report
23 back to the Commission on how environmental justice is integrated into its programs,
24 processes, and activities (CSLC 2002).

25 This section analyzes the distributional patterns of high-minority and low-income
26 populations on a regional basis and characterizes the distribution of such populations
27 adjacent to the proposed project and the alternative pipeline corridor under the No
28 Project Alternative. This analysis focuses, in the main, on whether the proposed
29 Project's impacts have the potential to affect area(s) of high-minority population(s) and
30 low-income communities disproportionately and thus create an adverse environmental
31 justice impact.

4.14.3 Environmental Setting

Project Study Area and Communities of Comparison

The Ellwood Marine Terminal (EMT) is located in Santa Barbara County on land leased from the University of California, Santa Barbara (UCSB) and is immediately adjacent to the city of Goleta. The project study area for environmental justice is bounded on the east by Fairview Avenue, on the north by U.S. Highway 101, and on the west by Winchester Canyon Creek. This area includes Census Tracts 29.02, 29.03, 29.04, 29.11, and 29.12. The census tracts are further broken down into a total of 20 block groups (see Figure 4.14-1). U.S. Census data from 2000 for these census tracts and block groups were used to characterize the project study area for this analysis.

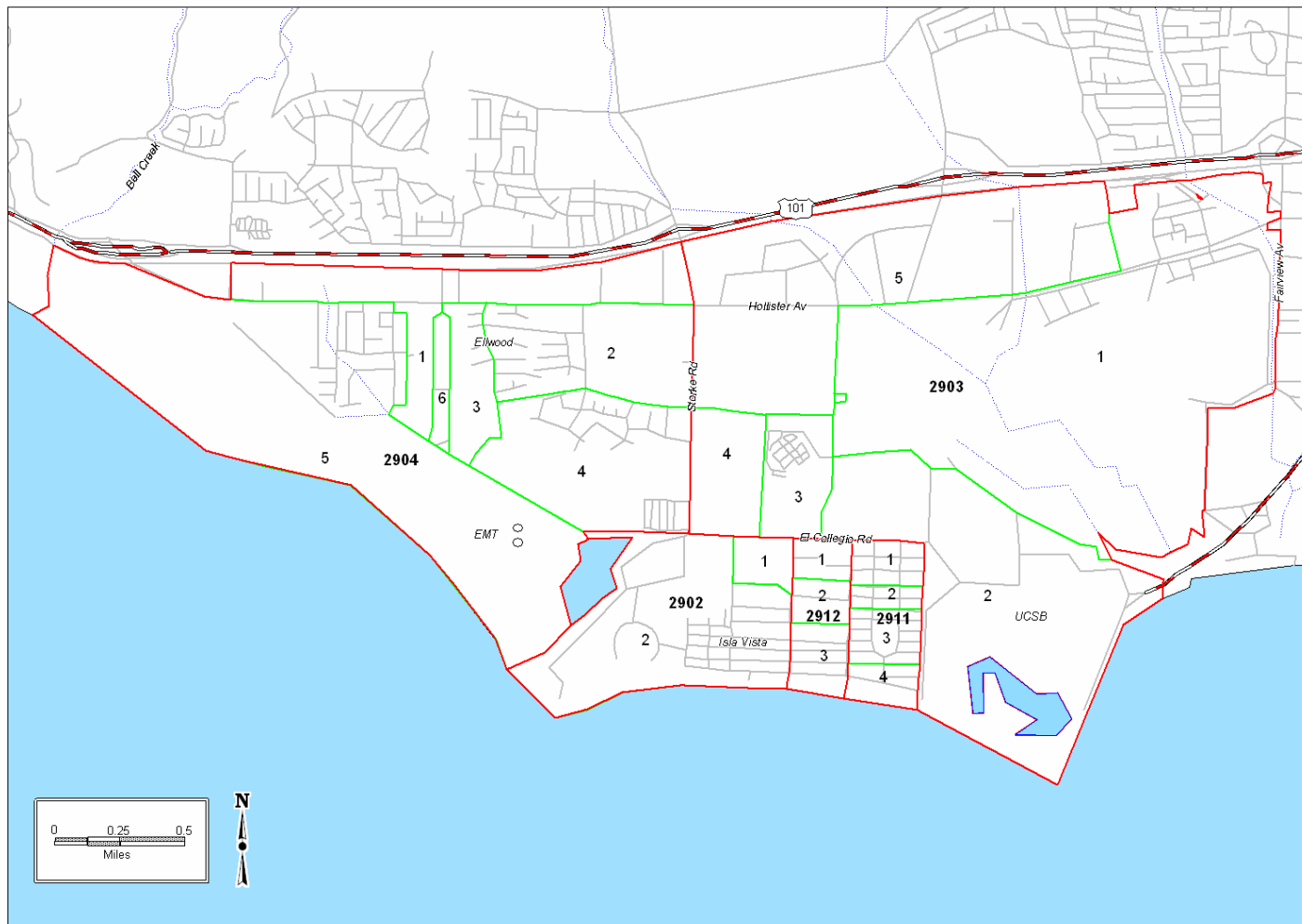
According to EPA guidance, a minority or low-income community is disparately affected when the community will bear a disproportionate level of health and environmental effects compared to the general population. Further, the guidelines recommend that the Communities of Comparison that are selected be the smallest governmental unit that encompasses the impact footprint for each resource. The EMT is located in Santa Barbara County, immediately south and east of the city of Goleta. Therefore, the Communities of Comparison for this analysis were defined as Santa Barbara County and the city of Goleta.

Study Area Demographics

In 2000, the population of the study area was 28,950 (U.S. Census Bureau 2005a). The population of Goleta was 55,204 and of Santa Barbara County was 399,347 in 2000 (U.S. Census Bureau 2005a). Of the study area, 29 percent of the population was considered to be of a minority race, compared to 21 percent for Goleta and 27 percent for Santa Barbara County (see Table 4.14-1). The largest percentage minority group within the study area was Asian, which included approximately 11 percent of the total population. In Goleta and Santa Barbara County, the "some other race" category was the largest minority group, making up 9 percent and 15 percent of the total population, respectively.

The "some other race" category includes all other census responses not included in the "White," "Black or African American," "American Indian and Alaska Native," "Asian," and "Native Hawaiian and Other Pacific Islander" race categories (U.S. Census Bureau 2005a). Census respondent write-in entries, such as Hispanic/Latino, were included in

Figure 4.14-1
Project Area Census Tracts and Block Groups



this category and are believed to constitute the majority of the “some other race” category within the project study area and Communities of Comparison.

**Table 4.14-1
Study Area Race Characteristics**

Race	Project Study Area	Goleta	Santa Barbara County
White	20,575	43,397	290,418
Minority			
Black or African American	629	703	9,195
American Indian and Alaska Native	203	451	4,784
Asian	3,133	3,548	16,344
Native Hawaiian and Other Pacific Islander	57	60	700
Some other race	2,815	5,098	60,683
Two or more races	1,538	1,947	17,223
Minority Subtotal	8,375	11,807	108,929
Total Population	28,950	55,204	399,347
Percent Minority	29	21	27

Source: U.S. Census Bureau 2005a.

As an added measure to ensure that study area minority populations are adequately identified, census data were gathered for Hispanic origin. Hispanic is considered an origin, not a race, by the U.S. Census Bureau. An origin can be viewed as the heritage, nationality group, lineage, or country of birth of the person or the person's parents or ancestors before their arrival in the United States (U.S. Census Bureau 2005a). People who identify their origin as Spanish, Hispanic, or Latino may be of any race. Therefore, those who are counted as Hispanic are also counted under one or more race categories, as described above. Approximately 21 percent of the study area population was Hispanic or Latino in origin, compared with 22 percent for Goleta and 34 percent for Santa Barbara County (Table 4.14-2).

Census data were also analyzed to determine poverty status in the project area. As shown in Table 4.14-3 below, approximately 45 percent of project study area individuals for whom poverty status was determined had income in 1999 below the poverty level, compared to 7 percent and 14 percent for Goleta and Santa Barbara County, respectively.

Table 4.14-2
Population of Hispanic or Latino Origin

	Project Study Area	Goleta	Santa Barbara County
Hispanic or Latino	5,993	12,326	136,668
Total Population	28,950	55,204	399,347
Percent Hispanic or Latino	21	22	34

Source: U.S. Census Bureau 2005a.

Table 4.14-3
Poverty Status in 1999

	Project Study Area	Goleta	Santa Barbara County
Income in 1999 Below Poverty Level	10,396	3,672	55,086
Population for Whom Poverty Status was Determined	23,061	54,786	384,512
Percent with Income in 1999 Below Poverty Level	45	7	14

Source: U.S. Census Bureau 2005b.

Since the percentage of study area population with income in 1999 below the poverty level is much greater than for that of the Communities of Comparison, the analysis included a closer look at the data for the census tracts.

The presence of UCSB affects the demographics of the study area. UCSB has an average enrollment of 19,600 students, including approximately 2,600 graduate students. The vast majority of students live within walking distance of campus, within the project study area. The university estimates that approximately 75 percent of students live in privately owned rental accommodations off campus (UCSB 2005). University students are also a transient population, typically remaining in an area while completing their studies.

University students tend to be younger than the general population. As shown below in Table 4.14-4, approximately 90 percent of the population in Census Tract 29.11 is between the ages of 18 and 24 and the median age is 20.9 years. Census Tracts 29.02, 29.03, and 29.12 have approximately 71 percent, 76 percent, and 72 percent of their respective population between the ages of 18 and 24. The median age in these census tracts is 21.4, 19.9, and 21.2 years, respectively. Approximately 17 percent of Census Tract 29.04, in which the EMT is located, is between the ages of 18 and 24, and

the median age is 29.4 years. The percentage of Santa Barbara County between the ages of 18 and 24 is 13 percent, and the median age is 33.4 years. In Goleta, approximately 9 percent of the population is between the ages of 18 and 24, and the median age is 38.2 years (U.S. Census Bureau 2005a).

Table 4.14-4
Percent Between 18 and 24 Years Old and Poverty Status in 1999

	Census Tract 29.02	Census Tract 29.03	Census Tract 29.04	Census Tract 29.11	Census Tract 29.12	Goleta	Santa Barbara County
Percent between 18 and 24 years old	71	76	17	90	72	9	13
Median Age	21.4	19.9	29.4	20.9	21.2	38.2	33.4
Percent with Income in 1999 Below Poverty Level	62	41	11	77	64	7	14

Sources: U.S. Census Bureau 2005a and 2005b.

In addition to being younger than the general population, university students tend to have less income than the general population. In the census tracts with the highest percentage of population between the ages of 18 and 24, the percentage of those who had income in 1999 below the poverty level was also high.

4.14.4 Significance Criteria

An environmental justice impact would be considered significant if the proposed Project would:

- Have the potential to disproportionately impact minority and/or low-income populations at levels exceeding the corresponding medians for the County in which the project is located; or
- Result in a substantial disproportionate decrease in the employment and economic base of minority and/or low-income populations residing in the County and/or immediately surrounding cities.

4.14.5 Impact Analysis and Mitigation

Impact EJ-1: Environmental Justice Effects from Hazards and Odors

The proposed Project could disproportionately impact minority and/or low-income populations (Less Than Significant, Class III).

Impact Discussion

Section 4.2, Hazards and Hazardous Materials, and Section 4.3, Air Quality, analyzed the short- and long-term risks to surrounding populations from accidental releases, fires, and explosions, as well as from long-term exposure to emissions generated by the EMT.

Section 4.2, Hazards and Hazardous Materials, states that increases in crude oil transportation could increase the frequency of crude oil releases from EMT loading operations. This would increase the acute risks to recreational users in the immediate open space areas adjacent to the EMT due to crude fires and toxic vapors associated with a crude oil spill; acute risks to inhabited areas would not be significant. Although these risks are considered acceptable by the Santa Barbara County Safety Element and would not affect land use, the safety and risk significance criteria established by the CSLC indicate that any increase in acute risks is significant (Class I). Implementation of **MM HM-1a** would potentially eliminate the offsite impacts associated with toxic vapor clouds. This measure would reduce the acute risks from an oil spill to a level that would be less than current operations.

Section 4.3, Air Quality, assessed risks to human health from the proposed Project and odors that would negatively affect adjacent land uses. The exposure risks to the surrounding populations are considered adverse but not significant (Class III). Odors from the proposed Project would be considered potentially significant but able to be mitigated to below the significance criteria (Class II).

Section 4.4, Hydrology, Water Resources, and Water Quality, and Section 4.5, Biological Resources, assessed the impacts of spills. Significant project impacts associated with crude oil spills would affect resources used by many different people, regardless of ethnicity or income, and would therefore not have a disproportionate impact on a minority or low-income population.

The proposed Project could disproportionately impact minority and/or low-income populations; it would not however result in a substantial disproportionate decrease in

the employment and economic base of minority and/or low-income populations in the area. With implementation of the above cited mitigation, the proposed Project could have an adverse but less than significant environmental justice impact (Class III).

Table 4.14-5
Summary of Environmental Justice Impacts and Mitigation Measures

Impact (Impact Class)	Mitigation Measures
EJ-1: Environmental Justice Effects from Hazards and Odors (Class III).	No mitigation is required, less than significant impact.

4.14.6 Impacts of Alternatives

No Project Alternative

Under the No Project Alternative, Venoco's lease would not be renewed and the existing marine terminal would be subsequently decommissioned with its components abandoned in place, removed, or a combination thereof. The decommissioning of the marine terminal would be governed by an Abandonment and Restoration Plan, a copy of which has been submitted to the CSLC, Santa Barbara County, and the city of Goleta as a component of Venoco's "Development Plan Application for Ellwood Oil Pipeline Installation and Field Improvements" (Venoco 2005). Under the No Project Alternative, an alternative means of crude oil transportation would either need to be in place prior to decommissioning of the EMT or production at Platform Holly would cease. A consequence of the absence of the EMT and alternative crude oil transportation methods would be that the petroleum resources associated with the South Ellwood Field would be stranded, at least temporarily. It is more likely, however, that under the No Project Alternative, Venoco would pursue alternative means of traditional crude oil transportation such as truck transportation or a pipeline. For purposes of this EIR, it has been assumed that the No Project Alternative would result in a decommissioning schedule that would consider implementation of one of the described transportation options. Any future crude oil transportation option would be the subject of a subsequent application to the CSLC, city of Goleta, or Santa Barbara County, depending on the proposed option. As a result, environmental justice impacts would be the same as for existing operations until the EMT facilities are shut down.

1 **Truck Transportation**

2 **Impact EJ-2: Environmental Justice Effects from Truck Traffic**

3 **Truck Transportation could disproportionately impact minority and/or low-income**
4 **populations (Less Than Significant, Class III).**

5 *Impact Discussion*

6 If this method of crude oil transportation is selected, the produced oil would be shipped
7 via trucks from the EOF to the Venoco Carpinteria Oil and Gas Processing Facility
8 (Venoco Carpinteria Facility) and by pipeline to the Los Angeles area instead of being
9 shipped by barge through the EMT.

10 A truck loading rack would be constructed at the EOF to accommodate the necessary
11 truck loading requirements. A truck unloading rack would be required at the Venoco
12 Carpinteria facility to transfer crude oil from the truck to an existing storage tank at the
13 facility. The crude oil would be co-mingled with production from the Venoco Carpinteria
14 Facility and transported via pipeline to Los Angeles area refineries.

15 Construction of the loading and unloading racks would occur in each facility's fenced
16 area; no additional land would be required. Construction and operation of the loading
17 and unloading racks would be consistent with the existing industrial operations at the
18 facilities and would not result in a change in land use or affect offsite uses.

19 Trucks from the EOF would access Highway 101 at the Hollister Avenue onramp and
20 travel east for approximately 25 miles (40 km) to Carpinteria. The trucks would exit the
21 highway at Bailard Avenue and travel along Carpinteria Avenue to Dump Road and the
22 Venoco Carpinteria Facility. The total one-way distance would be approximately 27
23 miles (43 km). Under this method of crude oil transportation, there would be a potential
24 maximum of 82 truck trips per day (164 one-way trips) between the EOF and the
25 Venoco Carpinteria Facility. Transportation impacts associated with the increase in
26 truck traffic along the route would be less than significant (Class III) (see Section 4.9,
27 Transportation and Circulation).

28 This Alternative could disproportionately impact minority and/or low-income populations;
29 however, it would not result in a substantial disproportionate decrease in the
30 employment and economic base of minority and/or low-income populations in the area.
31 Therefore, this Alternative could have an adverse but not significant environmental
32 justice impact (Class III).

Pipeline Transportation

This method of crude oil transportation would involve the construction of an onshore 10-inch-diameter (25.4-centimeter [cm]) crude-oil pipeline from the EOF to the Plains All American Pipeline (AAPL) at Las Flores Canyon. The proposed 10-inch-diameter (25.4-cm) pipeline would cross under Highway 101 near the EOF and run parallel to the north side of the highway for approximately 10 miles (16 kilometers [km]) to Las Flores Canyon. At Las Flores Canyon, the pipeline would run a short distance up the canyon to the AAPL pipeline pump station that is located at the ExxonMobil Santa Ynez Unit (SYU) oil and gas processing facility. The Venoco Pipeline would tie in directly to the AAPL and would not utilize any of the ExxonMobil SYU storage tanks. The pipeline would be installed along Calle Real, which runs parallel to Highway 101 north of the highway. Since Calle Real does not run the entire length of the proposed pipeline route, the pipeline would also cross a few stretches of private ranch/agricultural roads that parallel Highway 101.

This Alternative would not disproportionately impact minority and/or low-income populations or result in a substantial disproportionate decrease in the employment and economic base of minority and/or low-income populations in the area. Therefore, this Alternative would not have an environmental justice impact.

4.14.7 Cumulative Projects Impact Analysis

The cumulative projects identified in Section 4.0, Environmental Analysis, primarily affect residents of south Santa Barbara County and coastal areas from the San Francisco Bay Area to Los Angeles. People from every ethnicity and income level would be included in the potentially affected area. Significant impacts from some of these projects may be found to have a disproportionate effect on a minority or low-income population.

Significant cumulative project impacts associated with marine spills would affect resources used by many different people, regardless of ethnicity or income, and would therefore not have a disproportionate impact on a minority or low-income population.

Since the proposed Project does not result in a significant environmental justice impact, it does not contribute to a potential cumulative impact in combination with other known or anticipated projects identified in Section 4.0, Environmental Analysis.

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